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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 05-00349 VRW |
| |) | |
| Plaintiff, |) | STIPULATION AND PROTECTIVE |
| |) | ORDER RE: DISCOVERY OF |
| v. |) | CHILD PORNOGRAPHY |
| |) | |
| JOHN KAROW, JR., |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

John Karow, Jr. is charged in a three-count indictment with: (1) transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(1); (2) attempted receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2); and (3) possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). The United States will produce to counsel for the defendant in this case a mirror image of all digital media that was seized from the defendant, including digital media that contains images of child pornography. Pursuant to the child victim privacy provisions of 18 U.S.C. § 3509(d) and Federal Rule of Criminal Procedure 16, the parties stipulate, and the Court orders, that disclosure of these materials shall be subject to the following restrictions:

No. CR 05-00349 VRW
STIP. & [PROPOSED] PROTECTIVE ORDER
RE: DISCOVERY OF CHILD PORNOGRAPHY

1 1. Except when being actively examined for the purpose of the preparation of the
2 defense of defendant John Karow, Jr., the digital media produced by the United States to defense
3 counsel, Nanci Clarence and Joshua Lerner, shall be maintained in a locked, safe, and secure
4 drawer, cabinet, or safe which is accessible only to defense counsel, their investigator, or their
5 expert. Defense counsel, their investigator, and their expert shall not permit any person access of
6 any kind to the digital media except as set forth below.

7 2. The following individuals may examine the digital media for the sole purpose of
8 preparing the defense of defendant John Karow, Jr. and for no other purpose:

- 9 a) Counsel for defendant, Nanci Clarence and Joshua Lerner;
10 b) Defendant John Karow, Jr., but only in the presence of his attorney(s);
11 c) One expert retained by the defendant to assist in the defense of this matter;
12 and
13 d) One investigator retained by the defendant to assist in the defense of this
14 matter.

15 If defense counsel determine that additional experts are needed to review the material, they must
16 obtain a further order of the Court before allowing any other individual to review the material.

17 3. A copy of this order shall be maintained with the digital media at all times.

18 4. All individuals other than defense counsel and Mr. Karow who receive access to
19 the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy
20 of this Order acknowledging that

- 21 a) they have reviewed the Order;
22 b) they understand its contents;
23 c) they agree that they will only access the digital media for the purposes of
24 preparing a defense for defendant Karow;
25 d) they will not make any copies of any image files within the digital media
26 without further order of the Court;
27 e) they will not access the digital media from any computer that is connected
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1 to the internet or to any local network; and

2 f) they understand that failure to abide by this Order may result in sanctions
3 by this Court and in state or federal criminal charges for possession or
4 dissemination of child pornography.

5 Counsel for the defendant shall promptly file with the Court signed acknowledgments of this
6 Order, ex parte and, at counsel's discretion, under seal.

7 5. No other person may be allowed to examine the material without further court
8 order. Examination of the digital media shall be done in a secure environment which will not
9 expose the materials to other individuals not listed above.

10 6. No copies of any image files contained in the digital media may be made without
11 further court order. The prohibition on copying includes (1) printing out images onto paper or
12 film and (2) duplicating the images in any digital format. Non-image files such as word
13 processing files, emails, and other text files may be duplicated to the extent necessary to prepare
14 the defense of this matter.

15 7. The computer from which the digital media will be accessed shall not be
16 connected to the Internet or to any other computer network.

17 8. Any pleadings that include or make reference to the above-described materials or
18 their contents shall be filed under seal.

19 9. Within five court days of the judgment and sentencing hearing in this matter, all
20 material provided to defense counsel pursuant to this Order, and all other authorized copies, if
21 any, shall be returned to the United States. The United States shall destroy them. If defendant
22 believes that he must maintain the material for any reason related to appeal, defendant must seek

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authorization from the District Court within five days of the sentencing and judgment in this matter.

STIPULATED:

DATED: 8/8/2005

/s/ Nanci Clarence
NANCI CLARENCE, ESQ.
Clarence & Dyer, LLP

DATED: 8/8/2005

/s/ Joshua Lerner
JOSHUA LERNER, ESQ.
Clarence & Dyer, LLP
Attorneys for defendant Karow

DATED: 8/11/2005

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney

IT IS ORDERED.

DATED: August 12, 2005


HON. BERNARD ZIMMERMAN
United States Magistrate Judge